



## IMMIGRATION SITE VISIT GUIDE

This document is intended to provide guidance on visits by the FDNS (Fraud Detection and National Security) unit of USCIS. Created in 2004 to detect fraud in the immigration system, this program is funded by the Anti-Fraud Fee of \$500 paid by employers with each initial H-1B or L petition. During these visits, FDNS officer are sent to petitioner worksites reported in pending and/or approved cases to collect information to verify the contents of the filed petition. These sites have usually been random in the past. However, the Trump Administration have announced heightened vetting programs, resulting in USCIS conducting more targeted site visits.

### 1. What is the purpose of the visit?

- To detect and deter immigration fraud. The visits are conducted to determine whether sponsored foreign national employees are working in compliance with the terms and conditions specified in the temporary worker visa petition filed by the employer. Employers that are frequent H-1B and/or L-1 petitioners stand a greater chance of being selected for site visits.
- According to USCIS, the following tasks are assigned to the officer during a site visit:
  - Verify the information, including supporting documents, submitted with the petition;
  - Verify that the petitioning organization exists;
  - Review public records and information on the petitioning organization;
  - Conduct unannounced site visits to where the foreign national beneficiary works;
  - Take photographs;
  - Review documents;
  - Interview petitioning company personnel to confirm the foreign national beneficiary's work location, physical workspace, hours, salary and duties; and
  - Speak with the foreign national beneficiary.

### 2. When/where will the site visit take place?

- The most common sites visits are unannounced. USCIS officers or their contractors will appear at the worksite listed by the petitioning company on the currently valid H-1B petition. If applicable, these officers have appeared at third party client sites.

### 3. What should you/receptionist do first?

- Step 1: Contact the company contact designated as the first point of contact (i.e.: Immigration or HR staff) as soon as the Officer arrives.
  - If the first point of contact is unavailable, contact law firm (make sure to coordinate with law firm as well) - [insert name, contact information]

- Step 2:
    - Headquarters: Ask the Officer to wait in the Reception Area until the designated company contact arrives.
    - Outside Headquarters: Transfer call to an available conference room so that the Officer may take the call. Inform the Officer that the petition signatory is based in Headquarters.
4. What if I cannot reach the first point of contact/law firm?
    - Attempt to contact each of the representatives at least 2 times.
    - If no one is available, ask the Officer if s/he can come back at another time.
    - Request the following information:
      - Date of visit
      - Reason for visit (e.g., to see signatory or employee)
      - Officer's ID (badge and/or office number)
      - Officer's contact information (phone number and/or email)
      - Agency that the Officer works for (e.g., USCIS FDNS Unit)
      - Name of Employee in question
      - When Officer is scheduled to return
  5. Should reception try to contact the employee directly?
    - Reception should NOT attempt to contact the employee directly. A trained Immigration or HR staff member should contact the employee.
  6. What if the officer asks to tour the worksite?
    - The Officer may ask to tour the worksite and/or take photos. Do NOT leave the Officer unaccompanied. If the Officer asks to tour the facilities, a representative from trained Immigration or HR staff member should accompany him/her.
  7. If you are the employee in question, should you meet with the officer?
    - If you are at Headquarters, a trained Immigration or HR staff member should accompany you during your interview. Officers generally will accommodate this request.
    - If you are outside Headquarters, a representative from trained Immigration or HR staff member will stay on the phone while you're being interviewed.
  8. What if the Officer will not allow a company representative to accompany you during the interview?
    - Step 1: Verify the Officer's information.
      - Check the Officer's ID, ask to see a badge and/or Officer number
      - Check Agency that s/he works for
      - Note the Officer's information (including phone number) before proceeding with interview
    - Step 2: Keep written record of all questions asked and answers provided.
    - Step 3: Email this information to the company immigration contact and outside counsel with the following subject line: FDNS Site Visit

- Note: the Officer may ask to review the following:
    - Copy of the H-1B petition
    - Recent paystubs to verify the level of pay matches with the petition
    - Information about your position (job title, job duties, etc.) to make sure that all information matches with the information included in the petition
9. What are some questions that the Officer may ask?
- What is the total number of employees at the company?
  - How long has the company been in business?
  - How many foreign nations have been sponsored by the company?
  - How many employees have been sponsored by the company for permanent residency (green cards)?
  - What are the job duties, work location, work hours, and salary of the questioned H-1B worker?